THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 10645 of 1996

Dated: 12-12-2006

Between:

Karveda Malla Reddy and another

..... PETITIONERS

AND

The District Collector,
Kareemnagar,
Kareemnagar District and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 10645 of 1996

O R D E R:

This writ petition is filed aggrieved by the proceedings initiated by the respondents under the Land Acquisition Act, 1894 (for short 'the Act') in respect of small extents of land situated in Sy.Nos.679/A, 581/A, 581/B of Parlapalli village, Thimmapur Mandal, Karimnagar District primarily on the ground that the invocation of urgency clause thereby dispensing with the enquiry under Section 5A of the Act is arbitrary and illegal.

This Court, by order dated 22-07-1996 granted stay of dispossession.

Counter affidavit is filed on behalf of the respondents. However, from the material placed before this Court by the petitioner, it is clear that though the notification under Section 4(1) of the Act was issued on 13-07-1994 invoking urgency clause, the possession of the land was not taken till July, 1996, which itself shows that invocation of urgency clause was not warranted and there was no immediate need for acquisition of land in question.

Accordingly, the declaration if any made under Section 6 of the Act is here by set aside and the writ petition is disposed of with a direction to the respondents to take further steps, if the land is still required for any public purpose, after conducting the enquiry under Section 5A of the Act. No costs.

G. ROHINI, J

Dated: 12-12-2006
KLP